

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ABANTE ROOTER AND PLUMBING,
INC.,

Plaintiff,

v.

UNITED BANK CARD, INC.,

Defendant.

Case No. [19-cv-00636-WHO](#)

**CASE MANAGEMENT CONFERENCE
ORDER**

IT IS HEREBY ORDERED that, pursuant to Fed.R.Civ.P. 16(b) and Civil L. R. 16-10, a Case Management Conference will be held in this case before the Honorable William H. Orrick on May 28, 2019 at 2:00 P.M. in Courtroom 2, 17th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102. This conference shall be attended by lead trial counsel for parties who are represented. Parties who are proceeding without counsel must appear personally.

1. Case Management Conference Requirements

- a. Plaintiffs shall serve copies of this Order at once on all parties to this action, and on any parties subsequently joined, in accordance with the provisions of Fed.R.Civ.P. 4 and 5. Following service, plaintiffs shall file a certificate of service with the Clerk of this Court.
- b. Counsel are directed to confer in advance of the Case Management Conference. Not less than seven days before the conference, counsel shall file a joint case management statement in compliance with the Civil Local Rules and the Standing Order for All Judges of the Northern District of California. Failure to file a joint

statement shall be accompanied by a signed declaration setting forth the grounds for such failure. Failure to show good cause for such failure may subject the parties to sanctions.

- c. Each party shall be represented at the Case Management Conference by counsel prepared to address all of the matters referred to in this Order, and with authority to enter stipulations and make admissions pursuant to this Order.
- d. Any request to reschedule the above date should be made in writing, and by stipulation, if possible, not less than ten days before the conference date. Good cause must be shown.
- e. At the Case Management Conference the parties should be prepared to address and resolve the following: setting the date and the estimated length of the trial; setting the date for discovery cutoff; setting the date to designate experts and other witnesses; and setting the date for the pretrial conference.

2. Telephonic Appearance Procedures for Case Management Conferences

- a. Although the Court prefers in-person appearances, the Court allows attorneys whose offices are more than **thirty miles** from the Courthouse to appear for civil Case Management Conferences (only) by telephone. No motion or other formal request is required. Unless the parties propose a different procedure that the court authorizes, telephonic appearances are made through CourtCall, an independent conference-call company, pursuant to the procedures set forth in section 2b. If an individual schedules a telephonic appearance and then fails to respond to the call of a matter on calendar, the Court may pass the matter or may treat the failure to respond as a failure to appear. Scheduling simultaneous telephonic appearances in multiple courts does not excuse a failure to appear.
- b. **SCHEDULING A TELEPHONIC APPEARANCE.** Absent an emergency,

1 telephone appearances should be arranged by calling CourtCall at (866) 582-6878
2 no later than 3:00 p.m. the court day prior to the hearing date.

- 3 c. PROCEDURE FOR TELEPHONIC APPEARANCE. Court Call will provide
4 counsel with written confirmation of the telephonic appearance, and give counsel a
5 number to call to make the telephonic appearance. It is counsel's responsibility to
6 dial into the call not later than 10 minutes prior to the scheduled hearing.

7 **CourtCall does not place a call to counsel.**

8
9 The initial charge per participant for a CourtCall appearance is \$30.00 for
10 the first 45 minutes you are connected. For each additional 15-minute increment the
11 charge is \$7.00. If you do not timely call and connect with the Court Call operator,
12 you will be billed for the call, and the hearing may proceed in your absence.

13 Telephonic appearances are connected directly with the courtroom's public
14 address system and electronic recording equipment so that a normal record is
15 produced. To ensure the quality of the record, the use of mobile phones,
16 speakerphones, public telephone booths, or phones in other public places is
17 discouraged except when completely unavoidable. Participants should be able to
18 hear all parties without difficulty or echo.

19
20 At the time of your hearing, you may be in the listening mode initially, in
21 which case you will be able to hear the case before yours just as if you were in the
22 courtroom. After your call is connected to the courtroom, the Clerk will call the
23 case and request appearances. Each time you speak, you should identify yourself
24 for the record. The court's teleconferencing system allows more than one speaker to
25 be heard; so the Judge can interrupt a speaker to ask a question or redirect the
26 discussion. When the Judge informs the participants that the hearing is completed,
27 you may disconnect, and the next case will be called.
28


1 **3. Notice to Unrepresented (Pro Se) Parties in Non-Prisoner Cases**

- 2 a. Parties representing themselves should visit the link titled “If You Don’t Have a
3 Lawyer” on the Court’s homepage, www.cand.uscourts.gov. The link discusses the
4 Court’s “Legal Help Center” for unrepresented parties. In San Francisco, the Legal
5 Help Center is located on the 15th Floor, Room 2796, of the courthouse at 450
6 Golden Gate Avenue. In Oakland, the Legal Help Center is located on the 4th
7 Floor, Room 470S, of the courthouse at 1301 Clay Street. To make an appointment
8 for San Francisco or Oakland, call 415-782-8982.
- 9
- 10 b. If you are representing yourself and you have not been granted leave to proceed *in*
11 *forma pauperis* (IFP) by the Court, you must comply with the service requirements of
12 Rule 4 of the Federal Rules of Civil Procedure, as set forth below. Failure to follow the
13 procedures may result, under Rule 4(m), in dismissal of your case:
- 14 (i) It is your responsibility to obtain a valid summons from the clerk and to effect
15 service of the summons and complaint on all defendants in accordance with
16 Rule 4 of the Federal Rules of Civil Procedure. If you have named the United
17 States government, a federal agency, a federal official or a federal employee as
18 a defendant, you must comply with the special requirements of Rule 4(i).
- 19
- 20 (ii) Service may be affected by any person who is not a party and who is at least 18
21 years of age, which means that you, as a party, may not affect service. If
22 service of the summons and complaint is not made upon a defendant within 90
23 days after the filing of the complaint, your action will, under Rule 4(m), be
24 dismissed as to that defendant.
- 25
- 26 (iii) Within 95 days after the filing of the complaint, you must file proof of service
27 indicating which defendants were served within the 90 days allowed under
28 Rule 4(m) and showing, in accordance with Rule 4(i), how each of those

defendants was served (for example, by attaching appropriate certificates of service). You must also show cause why a defendant not served within the 90 days allowed under Rule 4(m) should not be dismissed without prejudice.

(iv) Failure to do these things within the designated time will result in the dismissal of your case under Rule 4(m) and Rule 41(b).

Dated: March 7, 2019



WILLIAM H. ORRICK
United States District Judge

United States District Court
Northern District of California